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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,539	07/16/2003	Manfred Ostertag	13905-042001	8440
32864 7590 09/12/2007 FISH & RICHARDSON, P.C. PO BOX 1022 MINNEAPOLIS, MN 55440-1022			EXAMINER LIN, WEN TAI	
			ART UNIT 2154	PAPER NUMBER
			MAIL DATE 09/12/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/620,539

Applicant(s)

OSTERTAG ET AL.

Examiner

Wen-Tai Lin

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 7/23/2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20, 22-33, 35-46, 48-58, 60-70 and 72-75 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20, 22-33, 35-46, 48-58, 60-70 and 72-75 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-20, 22-33, 35-46, 48-58, 60-70 and 72-75 are presented for examination.
2. The text of those sections of Title 35, USC code not included in this action can be found in the prior Office Action.

Claim Rejections - 35 USC § 102

3. Claims 1-20, 22-33, 35-46, 48-58, 60-70 and 72-75 are rejected under 35 U.S.C. 102(e) as being anticipated by Bezos et al. [U.S. Pat. No. 6963850].
4. As to claim 1, Bezos teaches the invention as claimed including: a method of mining human capital information [e.g., Abstract], the method comprising:
receiving user input specifying criteria of association with a dynamic target group
by defining one or more attributes of a communication group [e.g., Fig. 1];
identifying individuals of the dynamic target group by searching, in response to the input, information that is obtained through inference, but not directly extracted from

prespecified fields, explicitly defined attributes or tagged elements of an information content, to determine if information therein matches the defined one or more attributes at least one implicit data sources according to the defined attributes; if a match is determined, using the information to identify individuals of the dynamic target group [e.g., col.5, lines 3-21];

communicating with identified individuals of the dynamic target group [e.g.,];
logging at least some of the communications [e.g., recording activity history data]; and analyzing the logged communications [e.g., col.23, lines 4-30].

5. As to claim 2, Bezos further teaches saving the defined attributes [i.e., inherently the attributes forming each group must be saved otherwise the server would not know what to for a user community].

6. As to claim 3, Bezos further teaches communicating with the identified individuals of the dynamic target group includes sending to the identified individuals of the dynamic target group an information request based on at least one of a survey and a questionnaire [e.g., in response to an email of Fig. 1].

7. As to claim 4, Bezos further teaches generating a report based on a result of analyzing the logged communications [e.g., col. 6, lines 30-40].

8. As to claim 5, Bezos further teaches accessing an enterprise planning system to identify individuals of the dynamic target group [e.g., 82-84, Fig.5].

9. As to claim 6, Bezos further teaches sending information to a member of the dynamic target group triggered on an occurrence of a life or work event associated with a member [e.g., 38, Fig.1].

10. As to claim 7, Bezos further teaches defining attributes includes defining attributes based on at least one of special knowledge area, work experience, academic experience, position, and work situation associated with the dynamic target group [Abstract: lines 1-6].

11. As to claim 8, Bezos further teaches communicating occurs over at least one of a computer network, wireless, the Internet, an Intranet, electronic-mail and voice-mail [Abstract; Fig. 5].

12. As to claim 9, Bezos further teaches communicating includes sending to the identified individuals of the dynamic target group at least one of structured communication wherein possible responses to queries are predefined and unstructured communication wherein possible responses to queries are not predefined [e.g., Fig.1 is structured communication].

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13. As to claim 10, Bezos further teaches that communicating includes distributing information to the identified individuals of the dynamic target group, and receiving feedback from the identified individuals of the dynamic target group [e.g., Fig. 4].

14. As to claim 11, Bezos further teaches providing an enterprise with an ability to make decisions based on a result of analyzing the one or more logged communications [e.g., Fig.6].

15. As to claim 12, Bezos further teaches that identifying the individuals further comprises searching at least one explicit data source and wherein searching the explicit data sources includes searching data sources having explicitly defined attribute information [e.g., col.5, lines 14-18].

16. As to claim 13, Bezos further teaches that searching implicit data sources includes searching data sources having implicitly defined attribute information [e.g., col.5, lines 18-21].

17. As to claims 14-18, 19-20, 22-31, 32-33, 35-40, 44, 56 and 68, since the features of these claims can also be found in claims 1-5 and 6-13, they are rejected for the same reasons set forth in the rejection of claims 1-5 and 6-13 above.

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18. As to claim 41-42, Bezos further teaches generating and updating a distribution list of the target group at the time information is exchanged with the target group [e.g., Fig.6; col.12, lines 15-17; col.13, lines 13-32]

19. As to claims 43, 45-46, 48-55, 57-58, 60-67, 69-70 and 72-75, since the features of these claims can also be found in claims 14, 23, 25-27, 29, 32-33, 35-36, 38-40 and 42, they are rejected for the same reasons set forth in the rejection of claims 14, 23, 25-27, 29, 32-33, 35-36, 38-40 and 42 above.

20. Applicant's arguments with respect to claims 1-20, 22-33, 35-46, 48-58, 60-70 and 72-75 on 7/23/2007 have been considered but are moot in view of the new ground(s) of rejection.

21. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

22. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

Examiner note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the contest of the passage as taught by the prior art or disclosed by the Examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wen-Tai Lin whose telephone number is (571)272-3969. The examiner can normally be reached on Monday-Friday(8:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on (571)272-1915. The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

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(703)872-9306 for official communications; and

(571)273-3969 for status inquires draft communication.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Wen-Tai Lin

September 5, 2007

Wen-Tai Lin
9/5/07